

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**OHIO VALLEY ENVIRONMENTAL  
COALITION, INC., WEST VIRGINIA  
HIGHLANDS CONSERVANCY, INC.,  
and SIERRA CLUB,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 2:12-cv-3750**

**FOLA COAL COMPANY, LLC,**

**Defendant.**

**PARTIES' REPORT OF RULE 26(f) PLANNING MEETING  
AND NARRATIVE EXPLANATION OF PROPOSED SCHEDULE FOR PHASE II**

By Order entered February 25, 2014, the Court directed the Parties to meet and file a Rule 26(f) Report for Phase II of this proceeding, which relates to the nature of relief or remedies. ECF No. 71. The Parties conferred and have agreed upon a proposed schedule. Defendant intends to file a motion regarding mootness that, if granted, would obviate the need for some or all discovery for Phase II. Thus, the Parties have agreed upon and propose a briefing schedule and a hearing before the Court on Defendant's motion prior to the discovery deadlines. The Parties respectfully request that the Court enter the following schedule for Phase II:

<b>EVENT</b>	<b>DEADLINE</b>
Defendant's Motion	April 4, 2014
Plaintiffs' Response to Defendant's Motion	April 18, 2014
Defendant's Reply to Plaintiffs' Response	April 25, 2014
Hearing on Defendant's Motion	May __, 2014
Last Date to Serve Discovery Requests	August 22, 2014

Discovery Completion Date	October 6, 2014
Rule 26(a)(2) Disclosures by Party Bearing Burden of Proof	July 22, 2014
Rule 26(a)(2) Disclosures by Party Not Bearing Burden of Proof	August 22, 2014
Rule 26(a)(2) Disclosures for Rebuttal	September 19, 2014
Settlement Meeting and Rule 26(a)(3) Disclosures	September 30, 2014
Plaintiffs' Portion of Pretrial Order	October 7, 2014
Proposed Integrated Pretrial Order	October 14, 2014
Pretrial Conference	October 21, 2014
Final Settlement Conference	November 3, 2014
Trial	November 4, 2014

Respectfully submitted,

/s/ Derek O. Teaney

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